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United States Senate

WASHINGTON, DC 20510-3703

August 14, 2001

The Honorable Judge Thomas Coffin
District Court
211 E Seventh Ave
Eugene, Oregon 97401

Dear Judge Coffin:

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Budget
Commerce, Science
& Transportation
Energy & Natural Resources
Environment & Public Works
Special Committee on Aging

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I want to thank you and all of the participants in the Klamath Basin mediation for your inexhaustible efforts to resolve the exceptionally complex issues that confront the region. I am writing today to lend my support to the mediation process which you oversee, and give you and the mediation participants my congressional perspective on the challenges ahead.

First, I want to convey my concerns about the urgency of the situation and the time line for action. The farmers, who have to make their decisions for the 2002 growing season in a few short months, are likely to need congressionally authorized solutions soon, conceivably before the entire mediation is completed. Even if the mediation is completed by the end of October, Senator Smith, Congressman Walden and I would be hard pressed to pass any needed legislation until early 2002 at the earliest. Any delays beyond that time will push our ability to legislate well past the key decision points for the 2002 growing season.

For these reasons, I am very hopeful that the mediation will be successful as quickly as possible. However, if the mediation is still unresolved by the end of October, it is my intention to ask all parties with an interest in the Basin to meet with me, Senator Smith, Congressman Walden and other interested members of the Oregon and California congressional delegations to work on a package of legislative solutions to begin making progress on the short- and long-term basin issues. These discussions could complement the work of the ongoing mediation. Again, it is my hope that such a meeting will not be necessary and that your mediation efforts will result in a just and timely settlement of the crisis.

There are a number of interesting plans and ideas being discussed for both short- and long- term solutions for the agricultural and environmental crisis in the Basin. While I am open to many of the ideas that are on the table, I would like all of the parties to know some elements which I believe should be given very serious consideration, and which I would be likely to support legislatively.

The elements of any successful plan which I would be willing to champion in the United States Senate should include the following: sustainable levels of water use in the Basin; certainty for the people and wildlife who rely on those resources; and, a framework for cleaning up the Basin water and land.

Arriving at Sustainable Levels

Provide federal funding for water storage dedicated to agricultural use. These funds will help improve water quality and efficient use in the Basin. Increasing those functions will improve the use of the water and increase the effect of each acre foot available.

Provide federal funding for water delivery efficiency improvements. Again, this is an opportunity to increase the efficiency of the Basin's water use, thereby improving the ability to manage the resource in a sustainable manner.

Restore Tribal Homeland in Exchange for Significant Water Rights – I would like to see some of the homelands restored to the Klamath Tribes in exchange for water rights, but only if the tribes view the exchange as a way to make long term progress for their people while improving the quality of their subsistence activities (hunting, fishing, gathering). This would require a process for input and consensus-building within the surrounding community.

Buyout of Distressed Sellers – In order to reduce water demand in the basin, I believe we should consider a buyout of "distressed sellers."

Remove the Chiloquin Dam, or find an alternative means to improve fish passage.

Adjudicate Water Rights – Explore with the Governor what help he requires to speed up the long overdue adjudication process.

Provide Certainty for People and Wildlife

Provide assurance of an annual water level devoted to agriculture and to the wildlife refuges – I think any settlement ought to provide some certainty to the farmers and to the National Wildlife Refuges in the Basin. At the very least, the federal decisions in the Basin have to be made on the farmer's schedule, not the schedule of bureaucrats and politicians in Portland or Washington, D.C. We should take a hard look at Governor Kitzhaber's proposal, but demonstrate caution to make certain that any allocation decisions are scientifically-supported.

Local Ownership of Purchased Lands – We should take care to undertake any buyout in a way that will not undermine the viability of the region's agricultural economy. I believe it would be ideal to empower the local agricultural community to take an active role in the improvement of water conditions in the basin. Specifically, I am interested in the idea of local or state ownership – not federal – of land and water rights as long as significant water rights are retired and the lands are managed to improve water conditions

in the both the lake and the refuges according to federal guidelines.

Transition Funding – Provide federal funding for transition payments to both the people and businesses who have made the commitment to their communities to diversify and improve the economic health of the community.

Clean Up the Resource

Seek federal funding for marshland restoration and riparian improvements – The federal government must move aggressively to restore wetlands and riparian areas to insure improved hunting and fishing for the tribes and others, and improve water conditions for suckers and salmon. I have seen the success of projects such as Tulana Farms and the Wood River Restoration projects which provide excellent examples of how improvements in the water quality can improve the conditions for fish in the lake and downstream conditions for salmon.

Expand the Wyden Amendment – I have heard gratifying comments and wonderful success stories from both the Bureau of Land Management and the U.S. Forest Service because – under the legislation I passed – they have succeeded in restoration projects that improved important watersheds regardless of the land ownership. I would be interested in pursuing legislation that would extend the Wyden amendment to the Bureau of Reclamation and other federal agencies so that we can improve riparian and watershed conditions on private lands, as well as on federal ones.

Finally, I wish to conclude by noting that much has been said of the role of the Endangered Species Act in the current Klamath Basin crisis. For years, I have urged greater sunshine throughout the entire ESA and other governmental processes. Thanks to Secretary Norton's efforts, the science that went into this year's decision is now being reviewed by the National Academy of Sciences. The states of Oregon and California are also peer-reviewing the scientific decision. However, the legitimacy of the Department's efforts has understandably been challenged by interests who were not allowed to present their scientific evidence during the ESA consultation process. I believe that early on -- during the consultation process -- both economic and environmental interests should have the opportunity to present their science in order to have it considered by the Federal agencies. It is my hope that, in the future, no party that is affected by these wrenching decisions will be excluded when the agencies are gathering information. While ESA reform doesn't necessarily have to be pursued as part of a Klamath Basin package, I want the negotiators to know that I am willing to consider pursuing changes to the ESA that would ensure that both economic and environmental advocates have an opportunity in the future to present their science during the consultation process.

Again, I want to thank you for your hard work and reiterate my support for an equitable, timely, and successful conclusion to your mediation efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Wyden". The signature is fluid and cursive, with a long horizontal stroke at the end.

RON WYDEN
United States Senator